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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,197	09/21/2005	Young-Tack Sul	P57672	7327
7590 10/14/2008				
Robert E Bushnell Attorney at Law Suite 300 1522 K Street NW Washington, DC 20005-1202			EXAMINER LEWIS, RALPH A	
			ART UNIT 3732	PAPER NUMBER
			MAIL DATE 10/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Attachment – Examiner notes**

In the 9/22/2008 response to the Office Action of 6/20/2008 applicant argues that the 150  $\mu\text{m}$  limitation has criticality and bases the argument on Figures 1-3 of histomorphometric and fluorescence photos showing animal bone growth in 150  $\mu\text{m}$  micro patterns. The examiner notes that such unpublished evidence must be submitted in the form of a 37 CFR 1.132 affidavit or declaration in order to be considered. 37 CFR 1.132 states in part "any evidence submitted to traverse the rejection or objection on a basis not otherwise provided for must be by way of an oath or declaration under this section."

On pages 5 and 6 of the response, this examiner requests clarification of applicant's argument regarding "Guilleron's triangular cross-sectional outline." Is applicant arguing that a transverse cross-section of the Figure 5 implant 2 of Guilleron is triangular? If so, on what information is that triangular cross-section argument based? Doesn't the Figure 1 and 2 embodiment clearly have a circular/arcuate cross-section?

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

This application has been transferred since Examiner Werner is no longer with the Office. Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R.Lewis  
October 9, 2008

/Ralph A. Lewis/

Primary Examiner, Art Unit 3732